

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EVELYN L. McKINLEY,

Plaintiff,

v.

HONORABLE LES BROWNLEE,
Acting Secretary of the Army,

Defendant.

Civil Action No. 04-222 Erie

MEMORANDUM ORDER

This employment discrimination action was received by the Clerk of Court on August 6, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. # 44], filed on December 13, 2006, recommended that Defendant's motion for summary judgment [Doc. # 28] be granted. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff and on Defendant. Plaintiff filed objections to the Report and Recommendation on January 2, 2007 [Doc. # 45], and Defendant filed a response to the objections on January 10, 2007 [Doc. # 46]. This Court held oral argument on Plaintiff's objections on February 1, 2007.

After de novo review of the motion and documents in the case, together with the Report and Recommendation, Plaintiff's objections thereto and Defendant's response to the objections, and after consideration of the oral argument held on February 1, 2007, which is hereby incorporated by reference, the following order is entered:

AND NOW, this 6th day of February, 2007;

IT IS HEREBY ORDERED that the Defendant's motion for summary judgment [Doc. # 28], is GRANTED.

The Report and Recommendation [Doc. # 44] of Magistrate Judge Baxter, filed on December 13, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge